

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE TAMMANY, TAMMANY FLOORING,
INC. and TAMMCO LTD.,

Plaintiff(s),

-against-

CHARLES HAWTHORNE, RYAN HAWTHORNE
and C & R FOREST PRODUCTS, INC.,

Defendant(s).

-----X

DEFENDANTS' ANSWER

2007 Civ. 6953 (WCC)(LMS)

E.C.F.

Defendants, CHARLES HAWTHORNE, RYAN HAWTHORNE, and C & R
FOREST PRODUCTIONS, INC., answer the respective paragraphs of plaintiffs' Verified
Complaint as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit that C & R FOREST PRODUCTIONS, INC. is owned by defendant
CHARLES HAWTHORNE. Deny the remaining allegations.
7. Admit that defendant RYAN HAWTHORNE is a resident of the State of
Washington. Deny the remaining allegations.
8. Admit that plaintiff GEORGE TAMMANY and defendant CHARLES
HAWTHORNE entered into a confidentiality agreement on August 16, 2006 regarding

discussion about the furthering of the business of each of these parties. Deny the remaining allegations.

9. Deny.

10. Admit that defendants sought payment of money owed to them by plaintiffs from certain customers. Deny the remaining allegations.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of this allegation, therefore, Defendants deny the same.

12. Deny.

13. Defendants answer the same as set forth in paragraphs 1 through 12 above.

14. Deny.

15. Deny.

16. Deny.

17. Defendants answer the same as set forth in paragraphs 1 through 16 above.

18. Deny.

19. Deny.

20. Deny.

21. Deny.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth of this allegation, therefore, Defendants deny the same.

23. Deny.

24. Deny.

25. Deny.

26. Deny.

27. Deny.

28. Deny.

29. Deny.

Defendants allege the following affirmative defenses to plaintiffs' Verified


Complaint:

1. Lack of personal jurisdiction over defendants.
2. Insufficiency of service of process on defendant RYAN HAWTHORNE.
3. Improper venue or alternatively *forum non conveniens*.
4. Failure to state claims upon which relief can be granted.
5. New York's C.P.L.R. Article 16.
6. Plaintiffs failed to mitigate damages.
7. Plaintiffs have "unclean hands."

Defendants demand a trial by jury.

WHEREFORE, the defendants, CHARLES HAWTHORNE, RYAN HAWTHORNE, and C & R FOREST PRODUCTS, INC., demand judgment dismissing the Complaint of the plaintiffs herein, together with the costs, fees, expenses and disbursements of this action.

Dated: New York, New York
August 13, 2007


JOSEPH DIGREGORIO (JD-8215)
BARRY, McTIERNAN & MOORE
Attorneys for Defendants
CHARLES HAWTHORNE, RYAN HAWTHORNE
and C & R FOREST PRODUCTS, INC.
2 Rector Street, 14th Floor
New York, New York 10006
(212) 313-3600
Our File No.: MS51750

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) §:
COUNTY OF NEW YORK)

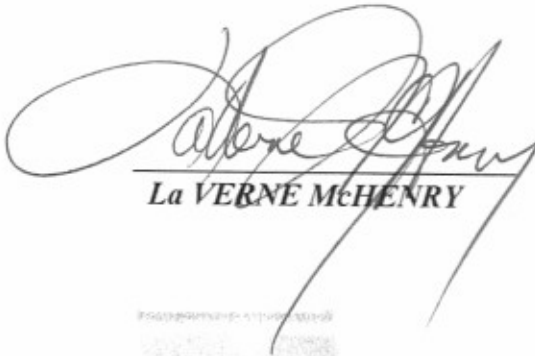
La VERNE McHENRY, being duly sworn, deposes and says: I am not a party to this action, am over 18 years of age and reside in Brooklyn, New York.

That on the 13th day of August, 2007 a true copy of the annexed **DEFENDANTS'**

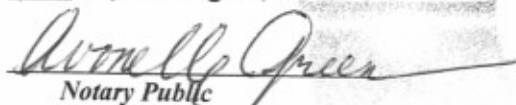
ANSWER was served in the following manner upon:

PAUL T. VINK, P.C.
Attorneys for Plaintiffs
1511 Route 22, Suite 206
Brewster, NY 10509
(914) 262-3584

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated above.


La VERNE McHENRY

Sworn to before me this
13th day of August, 2007.


Notary Public

AVONELLE GREENE
Commissioner of Deeds City of New York
No. 3-6955
Qualified in New York County
Commission Expires July 1, 07

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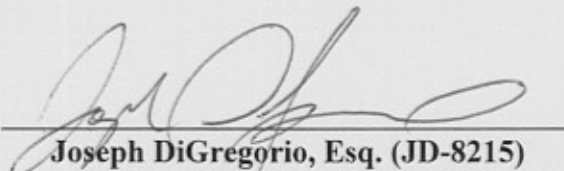
DEFENDANTS' ANSWER

PLEASE TAKE NOTICE

☐ **notice of entry** that the within is a (certified) true copy of an entered in the office of the clerk of the within named Court on _____.

☐ **notice of settlement** that a Proposed Order of which the within is a true copy will be presented for settlement before the Honorable _____ one of the judges of the within named Supreme Court, _____ County, _____, at 9:30 a.m. on the ____ day of _____.

Dated: New York, New York
August 13, 2007



Joseph DiGregorio, Esq. (JD-8215)
BARRY, McTIERNAN & MOORE
Attorneys for Defendants
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